IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO: 16842 of 2004

Between:

D.L. Narsimha Rao S/o D.L. Narayana
R/o Gandlapenta Village and Mandal, Ananthapur District

..... PETITIONER

AND

1 The Collector, Ananthapur District Ananthapur
2 The Revenue Divisional Officer, Penukonda, Ananthapur District
3 The Mandal Revenue Officer, Gandlapenta Mandal, Ananthapur
District.
4 Smt. M. Annapurna Devi W/o Sri Gopala Krishna Moorthy Rao
R/o D.No. 3-34-B, 1st Road, Ananthapur Ananthapur District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of Mandamus directing the 2nd respondent Revenue Divisional Officer, to dispose of the case in File No. Rc/B/859/B/2004, dt 11-6-2004 in accordance with law and further direct the 3rd respondent Mandal Revenue Officer, Gandlapenta not to issue pattadar pass book to the 4th respondent till the 2nd respondent dispose of the case.

Counsel for the Petitioner: MR.R.RADHA KRISHNA REDDY

Counsel for the Respondents 1 to 3: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

Petitioner who filed O.S.No.296/97 before the Principal Junior Civil Judge, Kadiri for permanent injunction states that the same was withdrawn by him to settle the matter amicably, but the lower Court has not granted permission and dismissed the same with liberty to file fresh suit. Aggrieved thereby, petitioner filed C.R.P.No.3090 of 2004. Taking advantage of the dismissal of the suit, fourth respondent approached the third respondent for grant of pattedar passbooks for the property, which was in dispute. On making such application to the third respondent, by his endorsement in Rc.No.58/2004, dated 25-05-2004, he directed the parties to settle the matter amicably. In spite of the same, again when the third respondent took up the claim of the fourth respondent, petitioner filed representation before the second respondent-Sub Collector, who stayed all further proceedings before the third respondent. Aggrieved by the same, fourth respondent preferred an appeal before the District Collector, who by order dated 03-08-2004 vacated the

interim stay granted by the second respondent and remanded the matter to him to dispose at an early date.

2. The grievance of the petitioner is that when the matter is pending adjudication before the second respondent, third respondent is likely to grant pattedar passbooks in favour of the fourth respondent. In view of the same, he moved this Court by way of the present Writ Petition.

3. It is well settled that no Mandamus can be issued on mere apprehension that third respondent is likely to grant pattedar passbooks when the matter is pending before the second respondent. In view of the same, second respondent is hereby directed to dispose of the representation/revision filed by the petitioner in the light of the directions issued by the first respondent dated 03-08-2004, expeditiously, within a period of three months from the date of receipt of a copy of this order after due notice to the parties.

The Writ Petition is accordingly disposed of. No costs.

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A. GOPAL REDDY, J

September 20, 2004

MRR

To:

1 The Collector, Ananthapur District Ananthapur
2 The Revenue Divisional Officer, Penukonda, Ananthapur District
3 The Mandal Revenue Officer, Gandlapenta, Ananthapur District
4 Two C.C.s to the G.P for Revenue, High Court Buildings,
Hyderabad (OUT).
5 Two C.D. Copies.